

**REMARKS**

Claims 1-31 are pending in this application. Claims 1-23 and 27-31 have been withdrawn from consideration. By this Amendment, claims 2-24, 28, 30 and 31 are amended. Support for the amendments may be found, for example, in the claims as originally filed and the specification (see page 12, lines 16-18). No new matter is added.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the claims are respectfully requested.

**I. Rejections Under 35 U.S.C. §102**

**A. Allen**

The Office Action rejects claims 24-26 under 35 U.S.C. §102(b) over U.S. Patent No. 5,725,906 to Allen ("Allen"). Applicant respectfully traverses the rejection.

Claim 24 recites, *inter alia*, "A process for preparing a composition, the process consisting of polymerizing a polymeric thixotropic agent **B** in a compound **A** from (meth)acrylates; wherein the composition comprises at least one compound **A** having at least two reactive groups selected from the group consisting of isocyanate, epoxide, alkoxy silane, and mixtures thereof; and ... at least one polymeric thixotropic agent **B** prepared by homopolymerizing a (meth)acrylate **B1** or by copolymerizing a (meth)acrylate **B1**... wherein ... the (meth)acrylate **B1** does not contain groups that react with an NCO, an epoxide group, or an alkoxy silane group." (Emphasis added). Allen does not disclose at least the above features of claim 24.

Allen is directed to a two-phase mixture comprising a solid particulate or aggregate component and a liquid component, the solid component allegedly corresponding to component **A** and the liquid component allegedly corresponding to component **B** (see Allen, col. 4, lines 21-24 and Office Action, pages 2-3). With respect to Allen's liquid component, Allen discloses that small amounts of unsaturated co-monomers, such as gamma-

methacryloxypropyl-trimethyloxysilane, are provided to act exclusively as coupling agents, as further acknowledged by the Office Action (see Allen, col. 13, lines 11-16; and Office Action, page 2). It is commonly known that coupling agents are employed to provide a stable bond between two otherwise nonbonding or chemically incompatible surfaces. According to Allen, the coupling agents are chemically absorbed by the solid aggregate particles or the coupling agents coat the solid aggregate particles, in either scenario reacting with said solid particles (Allen, col. 13, lines 16-20 and col. 14, line 25). Further, silanes are known to chemically bond with mineral surfaces (such as the aggregate particles of Allen) through the formation of siloxane bonds (Si-O), thus removing the presence of any silane groups from the bonded surface.

In view of the above, the coupling agent of Allen serves to: (i) chemically bind to the substrate surface at one end of the coupling agent (alkoxysilane group); and (ii) bind with the organic material at the opposite end (here, the methacrylate group). This forms a chemical bridge between the surface of the solid aggregate and the organic matrix. Therefore, it is uncertain whether the resulting solid aggregates, as coated or reacted with the coupling agent, have any reactive silane groups left remaining on their surfaces, as recited in claim 24.

Furthermore, it is clear that the corresponding **B1** of Allen (gamma-methacryloxypropyl-trimethyloxysilane) is not one that does not contain groups that react with an NCO, an epoxide group, or an alkoxysilane group, as recited in claim 24.

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See* MPEP §2131. Based on the above, Allen does not disclose a process for preparing a composition, the process consisting of polymerizing a polymeric thixotropic agent **B** in a compound **A** from (meth)acrylates, wherein the (meth)acrylate **B1** does not contain groups that react with an NCO, an epoxide group, or an alkoxysilane group, as recited in claim 24.

In view of the foregoing, Allen fails to disclose each and every feature of claim 24 and, thus, does not anticipate claim 24. The remaining claims variously depend from claim 24 and, likewise, are also not anticipated by Allen. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

**B. Corley**

The Office Action rejects claims 24-26 under 35 U.S.C. §102(b) over U.S. Patent No. 5,137,990 to Corley ("Corley"). Applicant respectfully traverses the rejection.

Corley does not disclose each and every feature of claim 24. Corley is directed to heat-curable compositions comprising a polyepoxide, a polyacrylate or polymethacrylate ester of a polyol, an unsaturated aromatic monomer, an aromatic amine, and a free-radical initiator (Corley, col. 1, lines 14-19). In Example 1, Corley discloses combining an epoxy resin B with a curing agent (Y or Z) and trimethylolpropane trimethacrylate (TMPTMA) (Corley, col. 8, lines 3-5). The acrylate, TMPTMA, is part of a hardener component, which is then mixed with the epoxy resin B and reacted by heating in a cure cycle (Corley, Table 1). Mixing an epoxy and amine together in a heat cure cycle, as disclosed in Corley, results in the epoxy resin B of Corley (allegedly corresponding to the component A of claim 24) not being present after copolymerization occurs as a result of heat curing.

Furthermore, the TMPTMA of Corley (allegedly corresponding to B1 of claim 24) is not one that does not contain groups that react with an NCO, an epoxide group, or an alkoxysilane group, as recited in claim 24. Rather, it is noted that epoxy hardeners are not catalysts and that they react with the epoxy resins, often contributing to the final properties of the cured epoxy resin system. Epoxy hardeners typically provide and influence, for example, the gel time, a mixed viscosity and the demold time of the epoxy resin (see, e.g. Corley, col. 8, lines 22-25). Such effects would not be possible if the epoxy hardener does not react with the epoxy compound.

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See* MPEP §2131. Based on the above, Corley does not disclose a process for preparing a composition, the process consisting of polymerizing a polymeric thixotropic agent **B** in a compound **A** from (meth)acrylates, wherein the (meth)acrylate **B1** does not contain groups that react with an NCO, an epoxide group, or an alkoxysilane group, as recited in claim 24. Instead, the TMPTMA of Corley does in fact react with the epoxy resin, as described above.

In view of the foregoing, Corley fails to disclose each and every feature of claim 24 and, thus, does not anticipate claim 24. The remaining claims variously depend from claim 24 and, likewise, are not anticipated by Corley. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

## **II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Sarah Lhymn  
Registration No. 65,041

JAO:SQL/rle

Attachment:  
Petition for Extension of Time

Date: March 22, 2010

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

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